



EMPLOYMENT COUNSELING, LITIGATION, LABOR & BENEFITS LAW

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December 12, 2014

VIA ELECTRONIC CASE FILING

Honorable Cheryl L. Pollak
United States Magistrate Judge
United States District Court - EDNY
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Jose Torres v. Major Automotive Group, et al.
Case No.: 13-CV-00687 (NGG) (CLP)

Your Honor:

This firm is counsel to Plaintiff in the above-referenced matter. We write seeking the issuance of an Order holding Defendants in contempt for their willful failure to comply with obligations imposed by Your Honor's November 20, 2014 Order. ECF Doc.: 30 Pursuant to that Order, Defendants were to provide responses to limited discovery demands by December 5, 2014. Those responses were never sent. In addition, Defendants were to serve their demands by November 20, 2014. Despite the fact those demands were served late, Plaintiff still served a full response. We have, on multiple occasions, called and emailed defense counsel O.L. Squitieri to no avail. In accordance with Local Civil Rule 37.3, I conferred with counsel earlier today in an attempt to resolve this matter, but no promise of service of the belated responses was forthcoming necessitating this application.

Having past litigated identical issues with Defendants on multiple occasions, and based upon the age of this latest ongoing dispute, we have no alternative but to request Your Honor Order severe sanctions for Defendants' willful failure to abide by Your Honor's Order. Counsel remains available should Your Honor require additional information regarding this submission.

Respectfully submitted,

ZABELL & ASSOCIATES, P.C.


Saul D. Zabell

cc: Client
O.L. Squitieri, Esq. (via ECF)